IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 17294 of 2002(H)

PETITIONER:

C.V.GEORGE, AGED 60 YEARS,
S/O.SRI.C.C.VARGHESE, RETINRED PRINCIPAL,
GOVERNMENT POLYTECHNIC, KALAMASSERY AND RESIDING AT M-135, CHANGAMPUZHA NAGAR, KOCHI-682 031.

BY ADV. SRI.ANIL S.RAJ
SRI.GEO PAUL
SMT.K.N.RAJANI
SRI.RADHIKA RAJASEKHARAN P.

RESPONDENTS:
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1. **THE PRINCIPAL,**
   GOVERNMENT POLYTECHNIC, KALAMASSERY.

2. **THE DIRECTOR OF TECHNICAL EDUCATION,**
   DIRECTORATE OF TECHNICAL EDUCATION,
   THIRUVANANTHAPURAM.

3. **THE DIRECTOR OF INSURANCE,**
   (GROUP INSURANCE), THIRUVANANTHAPURAM.

4. **PRINCIPAL SECRETARY, TECHNICAL EDUCATION**
   THIRUVANANTHAPURAM.

5. **ACCOUNTANT GENERAL (A & E),**
   OFFICE OF THE ACCOUNTANT GENERAL (A&E),
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20 /06 / 2007 , THE COURT ON 20/06/2007 DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.29394/2002 IN OP. NO.17294/2002

DISMISSED

20/06/2007 **SD/- T.R.RAMACHANDRAN, NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE REPRESENTATION MADE BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P2:- COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.

EXT.P3:- COPY OF THE INDEMNITY BOND EXECUTED BY THE PETITIONER

EXT.P4:- COPY OF THE LETTER ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P5:- COPY OF THE GRATUITY PAYMENT ORDER NO.EKM 35375 ISSUED BY THE 5TH RESPONDENT.

EXT.P6:- COPY OF THE GRATUITY PAYMENT ORDER NO. EKM 39992.

/TRUE COPY/

tss

T.R. RAMACHANDRAN NAIR, J.

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O.P. No. 17294 OF 2002 H
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Dated this the 20th June, 2007

J U D G M E N T

The petitioner retired from service on 30-6-1997 as Principal, Government Polytechnic, Kalamassery. He has been representing before the respondents for settlement of the Group Insurance Scheme and also the D.C.R.G. payable to him. Admittedly, a vigilance enquiry was pending against him and therefore the non-liability certificate could not be issued. The petitioner was prepared to execute an indemnity bond as Ext. P3. As per Ext. P4 he requested the Director of Technical Education to release the D.C.R.G. It appears that even though the gratuity payment order was issued, an amount of Rs. 69,062/- is withheld in view of the pendency of the vigilance case against him as VC No. 12/2000/Ekm. He is the 13th accused in the case, going by the counter affidavit.

2. In view of the pendency of the vigilance case it cannot be said that the respondents had gone wrong

in withholding the amount which has been quantified as liability. The amount can be released depending on the outcome of the vigilance case against the petitioner. Therefore, the writ petition is disposed of directing that the vigilance case against the petitioner will be expedited and completed and depending on the outcome of the said vigilance case the eligible balance amount will be released to the petitioner. As per the interim order dated 22-7-2002 in CMP No. 29394/02, this Court had directed that the amounts due to the petitioner, less liability if any shall be released to him within one month from the date of production of the order.

3. In para 5 of the counter affidavit it is averred that on the basis of the report from the Vigilance & Anti-corruption Bureau, the Accountant General (A&E) Kerala, and the Treasury Officer has been instructed to withhold Rs.69,062/- and release the balance amount of D.C.R.G. as per the Liability Certificate issued from the office of the 2nd respondent. The admitted amount, less Rs.69,062/- if

not disbursed so far, will be released to the petitioner without delay. O.P. is disposed of accordingly.

T.R. RAMACHANDRAN NAIR
JUDGE

jan/